

Planning Commission Date: August 27, 2003

Item No.

MILPITAS PLANNING COMMISSION AGENDA REPORT

Category: Public Hearing

Report prepared by: Staci Pereira

Public Hearing: Yes: X No:

Notices Mailed On: 7/11/03

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TITLE: USE PERMIT AMENDMENT NO. P-UA2003-4

Proposal: A request to amend Use Permit No. 1023 to add live entertainment, extend hours of operation on weekends and permit full alcoholic sales at an existing restaurant (Royal City) located at 90-94 S. Abel Street without requiring additional parking at Abel Plaza, zoned MXD-TOD - Mixed Use with Transit Oriented Development overlay.

Location: 90-94 South Abel Street (APN 22-24-045)

RECOMMENDATION: Approval with conditions

Applicant: Young Thai, Royal City Restaurant, 90 South Abel Street, Milpitas, CA 95035

Property Owner: Albert Witt, Jr., P.O. Box 2362, Menlo Park, CA 94025

Lessor: Robert Yen, 670 Los Pinos Avenue, Milpitas, CA 95035

Previous Action(s): Minor Tentative Map, "S" Zone approval and amendments, use permit approvals and amendments

Environmental Info: Exempt

General Plan Designation: Mixed Use

Present Zoning: Mixed Use with Transit-Oriented-Development Overlay, "MXD-TOD" District

Existing Land Use: Retail shopping center

Agenda Sent To: Applicant, property owner and lessor (all noted above)

Attachments: Site plan, letter from applicant, aerial photo, security plan, memorandum regarding analysis of parking study, dated August 20, 2003

PJ No. 2316

BACKGROUND

In December 1983, the Planning Commission approved an "S" Zone approval for a commercial shopping center located at 52-118 South Abel Street. Subsequent approvals included "S" Zone amendments for landscaping modifications, signage, equipment enclosures, and parking lot re-striping. The shopping center's tenants have been subject to citations and revocation hearings regarding illegal signs. Planning staff and Code Enforcement have been working together to ensure compliance with the City's sign ordinance. A citation has also been issued to the property owner for zoning code violations including missing landscaping and a non-permitted chain link fence in-lieu of a required masonry wall. These violations have not yet been addressed.

On February 14, 1990, the Planning Commission approved Use Permit No. 1023 for a restaurant at 90 S. Abel Street with 108 seats and beer and wine sales. An amendment to the use permit occurred on April 10, 1991, which allowed for an increase in seating to 177 as a result of an expansion to the adjacent tenant space (94 S. Abel Street) and subject to obtaining the landlord's authorization to use 14 of the excess spaces on-site. On July 22, 1992, the Planning Commission approved another amendment to Use Permit No. 1023 that allowed for an increase in seating to 219, subject to the applicant obtaining access to 14 parking spaces on the KFC restaurant parking lot, immediately east of the subject site. The agreement and accessway that made the parking spaces accessible to the subject tenant have ceased and the restaurant is again limited to 177 seats.

Site Description

The project site is located at 52-118 South Able Street and zoned Mixed Use ("MXD"). The site is bounded on the north by Carlo Street and Calaveras Blvd., on the east by South Main Street and Serra Way to the south. Surrounding development is zoned Mixed Use and General Commercial and includes retail shopping centers, commercial centers, restaurants, and professional and dental offices.

The subject tenant space is located in the southeast corner of the L-shaped building. Other tenants within the shopping center include three restaurants, a market, video store and other retail-type stores.

THE APPLICATION

The application is submitted pursuant to Section 38.03-1(t) ("Restaurants with live entertainment...sale and consumption of alcohol...open after 10:00 PM" as a conditional use within the Mixed Use District), Section 57.00 (Conditional Uses Permitted by the Commission),

and Section 57.02-18 (“permit the modification of required automobile parking spaces ...” with approval of a use permit) of the Zoning Ordinance.

The applicant is requesting to add live entertainment to their existing restaurant, extend the hours of operation past 10:00 PM on Friday and Saturday nights and permit the on-site sale and consumption of alcoholic beverages. The applicant desires to add live entertainment, including a live band and dancing, during the evenings and on weekend days for weddings. The restaurant is currently open from 10:30 AM to 9:00 PM and the extended restaurant hours on Friday and Saturday nights would accommodate this ancillary use. Review of this request revealed that additional on-site parking is required to reconcile seating and occupancy differences and is discussed in detail under the Occupancy and Parking section.

In addition, the business received approval in 1999 from the Alcohol and Beverage Control (ABC) to sell alcohol on the premises, however this permit has never been reviewed by the Planning Commission, thus it has been included in this application.

Conformance with the General Plan and Zoning Ordinance

The proposed project complies with the City’s general plan in terms of land use. The proposed use does not conflict with any General Plan Principles and Policies, and is consistent with Implementing Policy 2.1-I-3, which encourages economic pursuits that will strengthen and promote development through stability and balance. It is also consistent with Policy 2.a-I-6, which endeavors to maintain a balanced economic base that can resist downturns in any one economic sector.

The proposed use is consistent with the City’s Zoning Ordinance in that a “restaurant with live entertainment open after 10:00 PM...” is conditionally permitted in the Mixed Use (“MXD”) District upon Planning Commission review.

ISSUES

Occupancy and Parking

During the review of this request, the Fire Department discovered that the existing occupant load exceeded the approved “A3” occupancy classification, which allows for a maximum of 299 people. The building permit approved for the tenant improvements associated with the original use permit included a wood floor in front of a platform (stage) and dressing room. When the use permit was amended in 1991 to allow more seating as a result of an expansion in the adjacent tenant space, the building permit plans for the tenant improvements did not indicate the wood floor or stage area. Thus, the tenant space was approved as an “A3” occupancy classification (maximum of 299 occupants) and not an “A2.1” occupancy classification (more than 300 occupants), since the A2.1-associated upgrades did not exist. In order to be classified as the latter, the subject site would have to be significantly upgraded with an automatic and manual fire alarm system and Type 1-Hour Fire Resistive construction, both being very expensive.

As a result of the applicant’s desire to bring the tenant space into conformance with the originally approved “A3” occupancy classification additional parking would need to be provided on-site

(40 spaces, in addition to the 51 currently allocated to the tenant) and the dining floor area would have to be reduced by 150 square feet. Since the applicant has indicated that the weddings they host typically exceed the 177 seats permitted and more is desired, Planning, Fire and Building staff have determined that the facility should be able to accommodate 299 people at any one time and have sufficient parking on site given joint parking opportunities verified through a parking study. There are currently 197 spaces provided on site, only 8 of which are surplus. Therefore, a parking study was performed by the applicant for 7 consecutive days during their proposed hours of operation, which indicated that the peak occupancy of the parking lot occurred on Saturday night at 7:00 PM. The parking study concluded the overall occupancy rate of the parking lot was approximately 50%, thus leaving approximately 98 spaces available (see attached memo from Transportation Planning staff). Staff concludes there is adequate parking existing on the site to accommodate the maximum building occupancy of 299. However, **staff recommends** a condition of approval that a six (6) month review be required and a parking study be performed by the applicant and submitted to staff for review to ensure continued availability. Also **staff recommends** a conditional of approval that prior to occupancy permit issuance, the applicant post a sign in the waiting area near the front door stating the maximum occupant load of 299 people.

In regards to the reduction in dining area by 150 square feet, the applicant has submitted a preliminary plan to permanently enclose an equivalent area at the rear of the dining room to address this requirement. As previously stated, this will assist in bringing down the occupant load to the desired "A3" occupancy classification.

As a point of information, due to the applicant's decision to establish an "A3" occupancy classification rather than upgrade the interior to accommodate more people, a limitation is needed on the operations of the business. Since nightclubs require more parking and additional building and fire upgrades than restaurants, the business must retain its food service during the hours of live entertainment and cannot operate solely as a nightclub at any time. On the contrary, because the site can accommodate the additional parking for 299 people at any time throughout the day, there are no restrictions on the hours of live entertainment (i.e. can occur in conjunction with dining during all hours of operation) unless at the time of the six (6) month review noise or parking issues are revealed.

Noise

Because the applicant is proposing to offer live entertainment during late night hours, staff has a concern that any loud activities emanating from the establishment could impact existing and future neighbors. Since the site is located in the Mixed Use district, there is the potential for future residents in the area. Thus, **staff recommends** that all the doors and windows be closed during the hours of live entertainment or whenever music is played. In addition, **staff recommends** a six (6) month review after the implements of live entertainment to ensure that the new use is not impacting any uses in the area.

Safety and Security

To address any safety and security issues that may arise as a result of late night operating hours with live entertainment, the applicant has submitted a security plan at the request of the Police

Department. The applicant will staff one security guard from a private security agency to monitor the establishment on Friday and Saturday nights from 9:00 PM to 1:00 AM when the live entertainment occurs. The Police Department has reviewed the proposed security plan and **recommends** that a six (6) month review occur that analyzes any noise complaints or disturbances that result from the new ancillary use.

Community/Neighborhood Impact

The proposed addition of dancing and live entertainment to the existing restaurant, as conditioned, is expected to have a positive community impact by enhancing an existing use in the Midtown Area. The extended hours of operation proposed, 10:00 PM to 1:00 AM on Friday and Saturday nights, do not conflict with the other tenants and uses within the building nor is this type of use expected to cause an increase in existing noise levels or generate odors, as conditioned. Therefore, as conditioned, the proposed project is not anticipated to create any significant parking, traffic, odor, noise, or other adverse impacts on the community.

Conformance with the Midtown Plan

All projects within the Midtown Area have to demonstrate compliance with the Specific Plan – including the Development Standards and Design Guidelines. No “S” Zone or Use Permit approval may be issued by the City without the decision-making body making the following finding:

“The proposed project conforms to the intent and the specific requirements of the Midtown Specific Plan, including the Development Standards and Design Guidelines.”

In this case, as per Section 38.09 (MXD - Conformance with the Midtown Specific Plans), since the project’s new use is expanding the existing parking requirements by 50% the project is subject to the development standards and design guidelines. Since the building is existing and no modifications are proposed with the application, only site upgrades for landscaping are required as per Design Guideline A-3(e), which states that trees should be installed at a ratio of 1 tree per 6 perimeter parking stalls and 1 tree per 3 interior parking stalls. However, the Midtown improvements associated with this project are being handled separately under the Zoning Code and Neighborhood Beautification violation citations previously mentioned in the Background section. Once the property owner resolves the on-site violations, replaces missing landscaping and parking lot trees and replaces a rear masonry wall, the site will be in conformance with the Midtown Specific Plan.

Conformance with CEQA

The proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15301 (“Existing Facilities”—“... permitting, ... licensing ... of existing ... private structures ... involving negligible or no expansion of use beyond that existing at the time of the lead agency’s determination”) of the California Environmental Quality Act (CEQA) Guidelines.

RECOMMENDATION

Close the Public Hearing. Approve Use Permit Amendment No. P-UA2003-4 based on the Findings and subject to the Recommended Special Conditions below.

FINDINGS

1. The proposed project is consistent with the General Plan in terms of land use and Policies 2.a-I-6 and 2.1-I-3, which encourage economic pursuits that strengthen and promote development and that can resist downturns in any one economic sector. In addition, it is consistent with the Mixed Use (MXD) district in that the district permits such uses with a Use Permit.
2. The proposed use, as conditioned, conforms to the intent and specific requirements of the Midtown Specific Plan, including the applicable Development Standards and Design Guidelines.
3. The proposed use, as conditioned, is not anticipated to generate an increase in noise levels or odors, or to affect parking and traffic, and therefore will not be detrimental or injurious to the public health, safety and general welfare.
4. The proposed project is categorically exempt from further environmental review pursuant to Class 1, Section 15301 (Existing Facilities) of the State CEQA Guidelines.

SPECIAL CONDITIONS

1. This Use Permit Amendment No. P-UP2003-4 approval is for the following:
 - a. Live entertainment, including dancing, in conjunction with food service during dining hours. Live entertainment is an ancillary use and at no time shall it occur without food service;
 - b. Extended hours of operations to 1:00 AM on Friday and Saturday nights. All other nights the establishment may operate until 10:00 PM;
 - c. Permission to sale and consume alcoholic beverages on site;
 - d. Provision of 40 required parking spaces on site through joint parking.

Any changes to the floor plan or to any of the conditions of approval above or below require Planning Commission approval of an amendment to this use permit and a public hearing. (P)

2. The maximum seating and occupancy for this establishment is limited to 299. Prior to the issuance of a certificate of occupancy for this use, a sign measuring at least 8 ½ inches by 11 inches, with a lettering height of at least 3 inches, shall be posted in a visible location near the restaurant front entrance stating "Maximum Seating and Occupancy: 299, as per the Milpitas Planning Commission's approval of Use Permit Amendment No P-UA2003-4 on August 27, 2003". (P)

3. Prior to certificate of occupancy issuance a sign shall be posted on the exterior of the front door that indicates the hours of operation for the restaurant (i.e. to indicate the kitchen is open and food is available during all hours of operation. (P)
4. Prior to certificate of occupancy issuance, the applicant shall submit building permit plans to reduce the dining area by 150 square feet. (P)
5. The applicant shall provide one (1) uniformed private security officer during all live entertainment events on Friday and Saturday nights. (P)
6. During the hours of live entertainment or whenever music is played all the doors and windows shall remain closed. (P)
7. No outdoor loudspeakers shall be installed at any exterior locations of the building, nor shall any music of any type be played outdoors at any time. (P)
8. Within six (6) months after the live entertainment begins (i.e. upon certificate of occupancy issuance), a public hearing and review by the Planning Commission shall occur to assess any concerns related to noise, security, safety, and parking issues. The following items will need to be performed and submitted by the applicant for this review:
 - a. A seven (7) day parking study during the hours of operation;
 - b. Verification of food and alcohol sales receipts; and
 - c. Verification that private security was provided on Friday and Saturday nights.

The applicant shall be responsible for all fees and submittal requirements associated with this review. (P, TP)

9. The business owner shall hold training sessions to instruct their employees on the proper procedures in the handling and disposal of food items; the general maintenance and use of the compactor and any other procedures that would assist the business in complying with all state and local health and sanitation standards (refer to the County of Santa Clara Department of Environmental Health at (408) 729-5155 for their guidelines). (P)
10. The business owner shall post signs (Vietnamese, Chinese, Filipino and Spanish) inside the premises for all employees, which identify procedures for the food delivery and disposing of garbage prior to the issuance of a Certificate of Occupancy. (P)
11. The preparation and storage of food shall not be permitted outside of the establishment in perpetuity. (P)
12. Washing of containers, equipment, and floor mats shall be conducted in the kitchen area so that wash water may drain into the sanitary sewer in perpetuity. (P)
13. Prior to issuance of a certificate of occupancy, the business owner shall submit a report detailing a program assigning restaurant staff perpetual responsibility for complying with the following guidelines (P)

- a) Keep garbage dumpsters clean inside and out; replace dirty or leaking dumpsters with new, clean ones.
 - b) Double or triple bag waste to prevent leaking.
 - c) Place, do not drop or throw, waste-filled bags, to prevent leaking.
 - d) Keep the ground under and around the garbage dumpsters swept.
 - e) Sprinkle the ground lightly after sweeping with a mixture of water and a little bleach.
14. A certificate of occupancy is required prior to the operations of live entertainment. In addition, all the conditions of approval of this use permit amendment approval must be met prior to issuance of a certificate of occupancy.
 15. This use shall be conducted in compliance with all appropriate local, state, and federal laws and regulations and in conformance with the approved plans. (P)
 16. This approval does not include any signs. Any new building signage shall adhere to the sign ordinance and shall be submitted and approved by the Planning Division. (P)
 17. The life of this Use Permit (original Use Permit No.1023) and its amendments expire with the termination of the long-term land lease. (P)
 18. Prior to building permit issuance, the applicant must submit a revised security plan to the Planning Division. (P)
 19. If at the time of application for building permit there is a project job account balance due to the City for recovery of fees, review of permits will not be initiated until the balance is paid in full. (P)
 20. If at the time of application for occupancy permit there is a project job account balance due to the City for recovery of fees, the occupancy permit application will not be initiated until the balance is paid in full. (P)
 21. Prior to occupancy permit issuance, the applicant shall submit evidence to the City that the following minimum refuse and recycling services have been maintained/subscribed with BFI for commercial use:
 - A. Maintain an adequate level of service for trash collection.
 - B. Maintain recycling services including separate services for beverage containers.
 - C. Maintain a Tallow account and keep the tallow bins clean.

After the applicant has started its business, the solid waste service shall be evaluated by a BFI commercial representative to determine the adequacy of the service level. If it is found to be inadequate, the applicant shall increase the service to the level determined by the evaluation. For general information, contact BFI at (408) 432-1234. (E)

Planning Division = (P)
Engineering Division = (E)

NOTES TO THE APPLICANT

The following notes pertain to administration of the City codes and ordinances that are not part of the Zoning Ordinance regulations. The applicant shall not consider these notes as approval from any department. Additional requirements may be made prior to permit issuance. These notes are provided to assist in the permit process if approval is granted.

BUILDING DIVISION [For further information regarding the following notes please contact Veronica Valenti at (408) 586-3241]

1. It is mandated to obtain a certificate of occupancy prior to adding live entertainment.
2. Restaurant was approved for group A3 occupancy (less than 300 occupants). Floor plan as submitted is not acceptable because it has more than 300 occupants per 2001 CBC, Table 10-A.
3. An automatic sprinkler system shall be installed in rooms used by occupants for the consumption of alcoholic beverages and unseparated rooms when the total area exceeds 5000-sq. ft. as per 2001 CBC section 904.2.3.1.

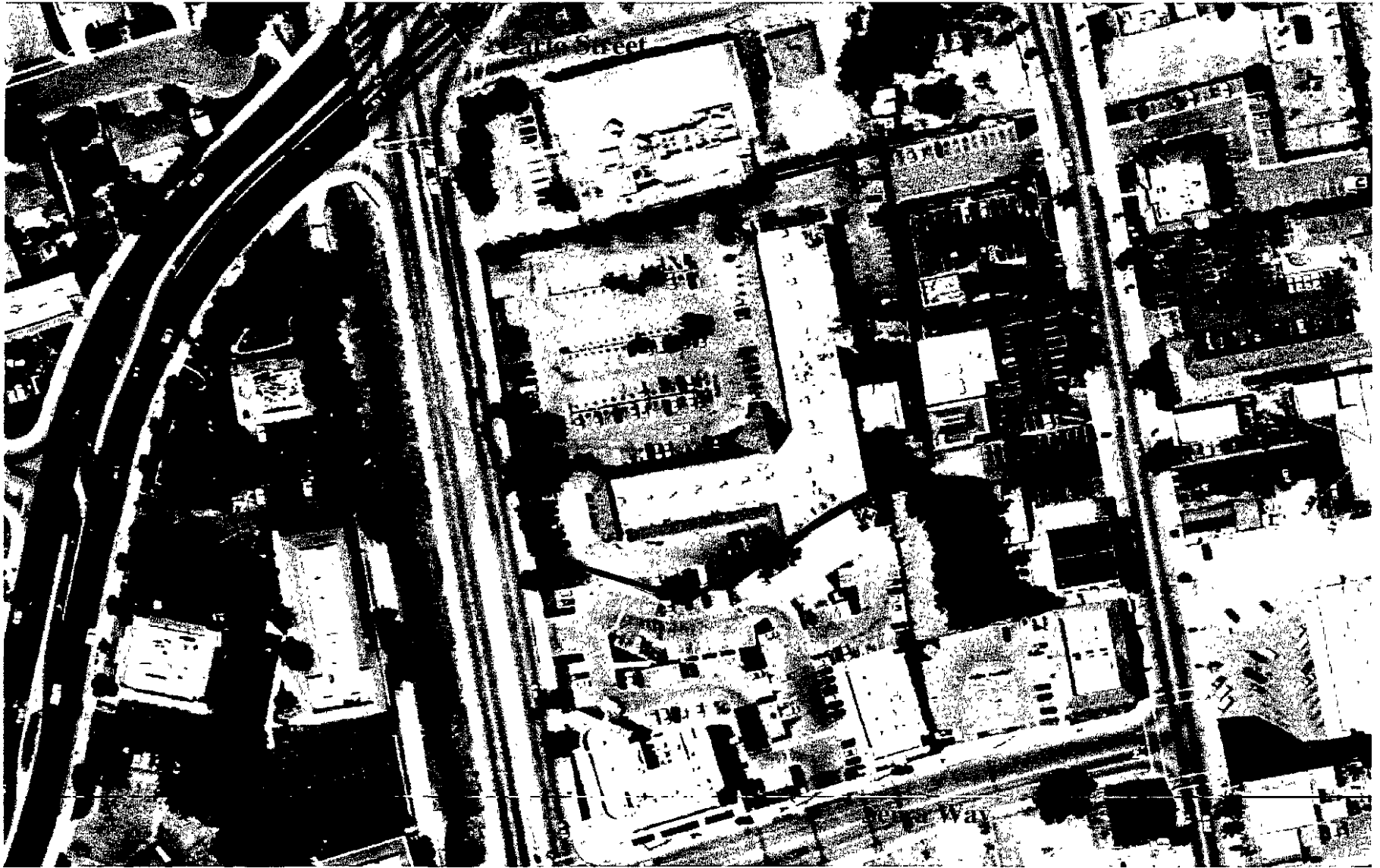
FIRE DEPARTMENT [For further information regarding the following notes please contact Jaime Garcia at (408) 586-3369]

1. The 2001 triennial edition of the California Code of Regulations, Title 24 (California Building Standards Code) applies to all occupancies that applied for a building permit on or after November 1, 2002.
2. Submitted drawings are not reviewed nor approved for fire permits and construction. These notes are provided to assist with the Fire Department permit process.
3. The existing California Building Code Occupancy classification for this establishment is A-3 (assembly- restaurant with maximum occupant load of 299). This Fire Department review does not grant a change in occupancy.
4. If construction modifications are required, all necessary Building Division and Fire Department permits shall be obtained prior to construction.
5. Portable fire extinguishers shall be installed in occupancies and locations as set forth in the code, California Code of Regulations, Title 19, Division 1, and Chapters 1 and 3 and as required by the Milpitas Fire Chief. Section 1002.1, CFC (California Fire Code).
6. Alterations to the automatic fire sprinkler system and/or the fire detection system require drawings to be submitted to the Fire Department for review and approval prior to alteration. Section 1001.3, CFC.
7. Continuous or non-continuous obstructions that interrupt the performance of the sprinkler system are not permitted. Additional sprinklers shall be provided to ensure adequate coverage of the hazard when obstructions occur.

8. Complete plans and specifications for all aspects of Fire-Protection systems shall be submitted to the Fire Department for review and approval prior to system installation. Section 1001.3, CFC.
9. No approval for hazardous materials is granted with this review. If hazardous materials are intended to be stored, transported on site, used or handled, in an amount requiring a permit, a Hazardous Materials Business Plan (HMBP) shall be submitted to the Fire Department by the business responsible. If hazardous materials are not intended to be stored, transported on site, used or handled in an amount requiring a permit, a Hazardous Materials/Waste Registration Form and/or a Hazardous Materials Exemption Declaration shall be submitted to the Fire Department by the business responsible. Required submittals shall be done at the time of building permit application.
10. Exit doors shall be openable from the inside without the use of a key or any special knowledge or effort. Manual operated edge- or surface-mounted flush bolts and surface bolts are prohibited. Section 1207.3, CFC.
11. Exit doors shall swing in the direction of exit travel when serving any hazardous area or when serving an occupant load of 50 or more. Section 1207.2, CFC.
12. Obstructions, including storage, shall not be placed in the required width of a means of egress, except projections as allowed by the Building Code. Means of egress shall not be obstructed in any manner and shall remain free of any material or matter where its presence would obstruct or render the means of egress hazardous. Section 1203, CFC.

2.

Abel Plaza (52-118 S. Abel Street)



RECEIVED

JAN 31 2003

**CITY OF MILPITAS
PLANNING DIVISION**

To City Planner of Milpitas:

We are applying for an Entertainment License in order to increase our business. We plan to stay open on Friday nights until 1:00 am. We will be providing security through our own private company. Our goal is not only to increase our business, but also to provide a location for entertainment in our local area. Following is a schedule of our business hours:

Business Hours:

DAYS	LUNCH HOURS	DINNER HOURS
Mon. - Thur.	10:30 - 2:30 pm	5:30 - 9:00 pm
Friday	10:30 - 2:30 pm	5:30 - 1:00 am
Saturday	10:30 - 3:00 pm	5:00 - 10:00 pm
Sunday	10:30 - 3:00 pm	5:00 - 9:00 pm

Thank you for your cooperation,



Young Thai
Royal City Restaurant

MEMORANDUM

Department of Planning, Recreation & Neighborhood Services



To: Staci Pereira, Planning
From: Janice Nadal, Transportation Planning
cc: Joe Oliva, Transportation Planning
Subject: Royal City Applicant Proposal- Parking Study
Date: August 20, 2003

As per the City of Milpitas' request, Royal City Restaurant, 90-94 South Abel Street (in Abel Plaza Shopping Center), performed a parking study during all operational hours of 10:30 a.m.-2:30 p.m., 5:30-9:00 p.m., and extended hours on Friday and Saturday nights from 10:00 p.m.-1:00 a.m.


In order for Royal City Restaurant to add live entertainment and banquet seating during all operational hours, 7 days a week, 40 parking spaces must be provided in addition to the existing 51 spaces dedicated to the restaurant.

From the Parking Study, the results indicated the shopping center Abel Plaza had the highest recorded number with 114 parked cars on Saturday evening at 7:00 p.m, representing an occupancy rate of 42%. During the peak period, a total number of 95 parking stalls were vacant. Parking was at high levels during Tuesday and Friday 12:00-1:00pm (lunch hour), with an average occupancy rate of 52%. Once most restaurants and businesses closed for the evening, and employees departed, ample parking spaces were available from 11:00 p.m. to 1:00 a.m, on Friday and Saturday evenings.

From the analysis, the occupancy rate would peak at approximately 50%. With parking requirements of 91 spaces for Royal City's expansion, there is available space to meet the demands. Transportation Planning does request a Condition of Approval to provide quarterly (every 6 months), upon completion of expansion, a 7-day parking study during hours of operation, to validate parking requirements.

If you have any questions, feel free to contact me at x3291 or Joe Oliva at x3290.

Thank you,


Janice Nadal

jn: attachment

Parking Study
90-94 South Abel Street, Milpitas
197 Parking Spaces Available

[illegible]

Security Service Proposal

For

Royal City Restaurant

1. GOAL

Provide a safe and peaceful atmosphere that would allow for an enjoyable dining and entertainment to all our patrons.

2. PURPOSE

- Maintain peace and order
- Ensure the safety of staff
- Ensure the safety of patrons
- Minimize owner's safety liability
- Security protocol will be in effect only on Fridays and Saturdays due to a variety of crowds and higher volume of alcoholic beverage consumption during live entertainment hours of 9pm to 1am
- Hours and operation will be Friday and Saturday from 9pm to 1am

3. AREA OF RESPONSIBILITY

- Main Entrance
- Dining Area
- Entertainment Area
- Parking Area

4. SPECIFIC DUTIES

- 1 security officer will be provided by Spear Security and will perform security to the business on Friday and Saturday from 9pm to 1am
- Security personnel will be unarmed and wearing hard law enforcement uniforms
- The duration of the contract to our business with the off-duty police officers will be 1 year evaluation with annually contract
- All patrons consuming all beverage are of age 21
- Will not allow smoking inside the building
- Collect cover charge at the door (if applicable)
- Monitor patrons for unsafe and disturbing behavior
- Safeguard staff from harassing or aggressive patron(s)
- Safeguard patron(s) from other harassment and aggression
- Enforce establishment's policies
- Will not allow any patrons to bring in any alcohol or liquor into the premises.
- Security personnel will walk through the parking lot every hour and report any suspicious activities

5. SECURITY Policy

- No staff member will possess or carry any type of weapon(s)
- No staff member will provoke anyone into a fight
- No staff member will physically strike anyone except to defend him / herself or another.
- No staff member will attempt to detain any customer , The staff member may attempt to detain a customer to prevent further injury or property damage.

- Each staff member will address patrons in a professional and cordial manner
- Each staff member will be dressed appropriately
- In the event of any incident , each staff member will stay out of the way and will not involve him or herself.
- In the event of any incident , each involved staff member(s) will submit a written report.

6. BUSINESS' POLICIES

- No alcoholic beverage will be taken outside
- No patron entrance and exit through the emergency doors except during emergencies
- No loitering in the parking lot after business hours
- "Last call for alcohol" will be announced 30 minutes prior to closing

7. STATE AND LOCAL LAWS TO BE FAMILIAR WITH

Being familiar with the following laws can minimize our business' exposure to huge liability risks. We need to take the time required to understand each law that specifically overshadows our business in order to anticipate and avoid those liability risks beforehand.

Many times, businesses like ours have been shutdown or have lost their operating licenses due to non-adherence to these laws. Worst yet, many lives have been lost that could have been saved Otherwise.

PC 240 Assault

PC 242 Battery

PC 245 Assault With Deadly Weapon

PC 272 Contributing to Delinquency of Minor

PC 415 Fighting, Causing Loud Noise, or Using Offensive Words in Public Place

PC 417 Drawing or Exhibiting Weapon in a Rude or Threatening Manner

PC 422 Threats to Commit Crime Resulting in Death or Great Bodily Injury

PC 594 Vandalism

PC 647 (f) Public Intoxication

A.B.C. Enforcement Manual

8. REVIEW

"In six months, the chief of police or designee will re-evaluate the security protocol and recommend changes, if needed".

1. REMOVE IMPEDING BARS FROM EXISTING DINING ROOM, TO ALLOWING VISIT TO BEHIND DINING.
2. RELOCATE CASHIER STATION TO CENTRAL POSITION BETWEEN THE TWO SMITS.
3. REMOVE PARTITION WALLS FROM EXISTING DINING ROOM TO FACILITATE VISIT TO VISUAL STATION.
4. REMOVE ALL EXISTING THERMOSTAT CONTROLS FROM PARTITION WALLS TO BE REMOVED.
5. INSTALL CLIMATE CONTROL DEVICE FROM ENTRANCE TO THE REAR OF THE NEW DINING ROOM.
6. REMOVE 224 COUNCIL PARKERS IN THE NEW DINING AREA AND REPLACE WITH ONE-BEAMER PAXES TO MATCH EXISTING DINING ROOM.
7. REMOVE PLASTERBOARD LIMIT STRIPES FROM NEW DINI AND CORNER WITH NEW LIGHTING IN NEW DINING ROOM.
8. REMOVE ALL EXISTING LIGHTING IN THE NEW VISIT TO ACCOMMODATE VISITORS IN NEW.
9. REMOVE ALL EXISTING PLANT AT THE FRONT OF THE NEW DINING ROOM AND REPLACE WITH NEW PLANT SPECIES.
10. REMOVE ALL EXISTING PLANT SPECIES FROM VISITORS VISUAL WALL AND REPLACE WITH VISUAL PLANT SPECIES.
11. REMOVE ALL EXISTING PLANT SPECIES FROM VISITORS VISUAL WALL AND REPLACE WITH VISUAL PLANT SPECIES.
12. REMOVE ALL EXISTING PLANT SPECIES FROM VISITORS VISUAL WALL AND REPLACE WITH VISUAL PLANT SPECIES.
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14. REMOVE ALL EXISTING PLANT SPECIES FROM VISITORS VISUAL WALL AND REPLACE WITH VISUAL PLANT SPECIES.

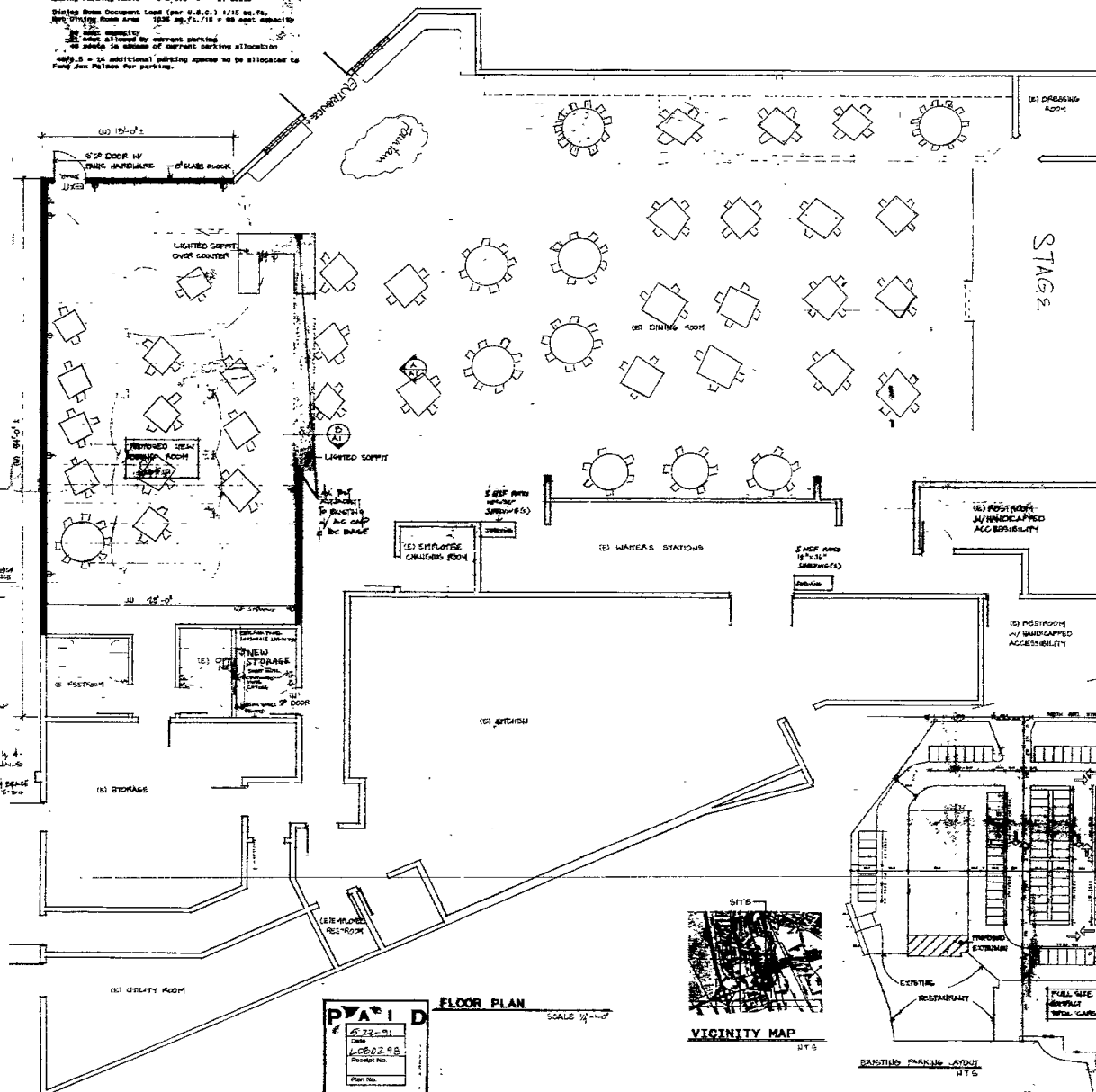
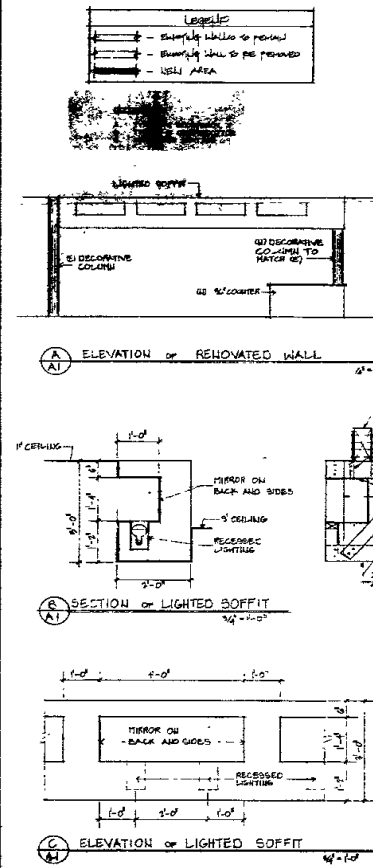
Budget Detail: Space 1246 sq.ft.
 Available Parking Ratio 1242/390 = 3 parking spaces
 Existing Parking Ratio 6 x 3.5 = 21 seats
 District Street Occupancy Load (per U.S.C.) 1/15 sq.ft.
 Net Driving Room Area 1036 sq.ft./15 = 69 seat capacity
 69 seat capacity
 69 seats allowed by current parking
 69 seats to ensure of current parking allocation
 469.5 = 14 additional parking spaces to be allocated to
 Future Use. Please for parking.

Restroom walls & ceiling
floor - be removed as to 2

Post on
job site

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-11-2001 BY 60322 uac/awp
EXCEPT WHERE SHOWN
OTHERWISE
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-11-2001 BY 60322 uac/awp
EXCEPT WHERE SHOWN
OTHERWISE

INTERIOR RENOVATION/REPAIRS		WM. JAY WILSON & ASSOCIATES	
FUNG JEN PALACE		CIVIL ENGINEERING	
90 S. ADEL ST.		(415) 760-2400	
MILPITAS CA. 95035		8818 THORNTON AVENUE, MILPITAS, CA. 95035	
Date	5/2/91	Revisions	1
Drawn	AJ Chaudh		
Check			
App.	7775		
Sheet	A1		



VICINITY MAP